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SUBJECT: IAEA/UNCOPUOUS: FIFTH JOINT EXPERTS GROUP MEETING ON THE  
DRAFT SAFETY FRAMEWORK FOR NUCLEAR POWER SOURCE APPLICATIONS IN  
OUTER SPACE

REF: A)UNVIE VIENNA07 000678  
B)UNVIE VIENNA 000180  
C)STATE07 122555

¶1. (U) SUMMARY: The UNCOPUOS Scientific and Technical Subcommittee (STSC)/IAEA Joint Expert Group (JEG) met in Vienna during the week of 20 October 2008 to review comments from IAEA Member States to the revised draft Safety Framework for Nuclear Power Source (NPS) Applications in Outer Space. JEG experts reviewed comments from IAEA member states and STSC member states on the last draft version of the safety Framework. The review process within the IAEA was discussed as well as the options for publication of the finalized safety Framework. A telephone conference was scheduled in November to finalize the draft Framework for the February 2009 STSC meeting. END SUMMARY.

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THE JEG THUS FAR  
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¶2. (U) BACKGROUND: The JEG is an instrument of the STSC/IAEA work plan for 2003-2007 for the development of an international technically-based Framework of goals and recommendations for the safety of NPS applications in outer space. The safety Framework is meant to be analogous to an IAEA Safety Standard and would not be legally binding. As a result of the June 2007 JEG meeting, U.S. experts were tasked by JEG Chairman Sam Harbison (UK) with the initial development of a draft Framework for the consideration of the JEG. During the October 2007 JEG meeting (REF A), the draft Framework was further developed and provided to STSC member States for initial comment prior to the February 2008 STSC Session. At the February 2008 STSC Session, the Framework was updated in light of comments by STSC member states (Ref B). The revised draft Framework was then sent to STSC member states and to the four IAEA Safety Standards Committees (SSCs) and the Commission on Safety Standards (CSS) for comment. Upon completion of the review by the SSCs and the CSS, the JEG met in June to review comments and an updated draft Framework was sent to IAEA Member States for comment. The purpose of October 2008 JEG meeting was to review late STSC member state and IAEA Member State comments to the draft Framework. END BACKGROUND.

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COMMENTS FROM MEMBERS

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¶3. (U) Attending the Fifth STSC-IAEA JEG session on 21-23 October 2008 were experts from the U.S., UK, Germany, France, Russia, the European Space Agency (ESA), and Japan. Members of the JEG who were not present during this session were Algeria, Argentina, Brazil, Saudi Arabia, South Africa, Nigeria, Canada, China, Hungary, Iran, and Italy. The IAEA was represented by Dominique Delattre (Safety Assessment Section, NSNI). While the Italian experts cancelled their attendance at the last minute, they did submit comments through the ESA expert. Other countries submitting comments as IAEA Member States or as late STSC member state submissions were the Russian Federation, Libya, ESA and Venezuela.

¶4. (U) Comments from the Russian Federation, Libya and ESA were reviewed and resolved. Some were considered useful and adopted into the draft Framework. Several of the ESA comments stemmed from the unique aspects of that organization and its management of a space mission. The comments from Venezuela and Italy were more problematic, as seen in the following two paragraphs.

¶5. (U) VENEZUELA: The Venezuelans reiterated comments made in their submission for the STSC comments review. From the onset of the joint IAEA-STSC effort on the draft Framework, the Venezuelan STSC delegation has repeatedly made comments on and objections to certain aspects of the draft Framework. A few of their comments had merit, but others were beyond the agreed scope of work for the safety Framework. Other comments have been confusing and contradictory to either the stated goals of the Venezuelan delegation or accepted nuclear safety principles. The four main comments of the Venezuelans that were not adopted were: (1) wanting to have the safety Framework be legally binding; (2) limiting the organizations

that are authorized to conduct a space mission; (3) a prohibition on NPS in low-earth orbit (LEO); and (4) elimination of the words "reasonably achievable" from the ensuring that the risk of employment of NPS is "acceptable and as low as reasonably achievable." Venezuela had made similar comments in the STSC sessions as well. All were either outside the previously-agreed scope of the Framework or in the case of (4), were in opposition to terminology understood and accepted by the IAEA and Member States.

¶6. (U) ITALY: Italy submitted two comments which had been submitted previously and rejected. They suggested the inclusion of wording on the "protection of humans in space and of other planets is important." Both had been previously rejected because they are beyond the agreed scope of the safety Framework. When the Italians first raised these comments at the first JEG meeting (Ref C), those comments were discussed at length and the reasons for their not being included were explained at length. At the fourth JEG meeting in June 2008, an Italian expert raised them again, but did not press them. However, they were again raised in the Italian IAEA comments. In the absence of any Italian experts, the ESA expert took up the Italian cause. While the protection of other planets was agreed to be beyond the scope of the Framework (and potentially covered by another entity), the inclusion of the wording "the protection of humans in space" was still pressed. The ESA expert ultimately agreed to withdraw that wording, but it can be expected to be raised again by the Italian expert(s).

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NEXT STEPS: THE REVIEW PROCESS TOWARD A FINAL DRAFT  
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¶7. (U) The JEG reviewed the review process of the draft Framework within the IAEA and the STSC, as well as the SSCs and the CSS. One aspect that deserved special notice was that of configuration control of the draft Framework; to ensure that each entity receives the appropriate version of the draft Framework. The Comments Disposition Table was updated in light of the resolution of comments at the instant meeting.

¶8. (U) The JEG also reviewed the process of the IAEA and STSC jointly printing the Framework, once approval is finally reached. This involves resolving issues in editing styles by both the IAEA and UN (for UNCOPUOS) editing staffs, as the Framework is intended to be a joint publication. Different editing rules are employed by

each staff and the JEG is working with both to ensure that editorial changes do not change the meaning and intent of any part of the Framework. Further, the UNCOPUOS staff notified the JEG that the STSC could not publish on its own without United Nations authorization. That would mean being endorsed by the UN General Assembly. One suggested course of action was to ask the STSC to "endorse the procedure" of having the IAEA publish the Framework. In this instance, the Framework would be sent to the IAEA Publications Subcommittee after approval by the STSC and the CSS. This course of action will be further explored by the JEG and IAEA staff. The IAEA JEG member will provide an estimate of publishing costs by the February meeting.

¶9. (U) The JEG scheduled a teleconference on 17 November to review the results of the October meeting, and to allow JEG experts who did not attend the meeting to participate in the formulation of a final draft. The goal is to have an updated version of the safety Framework provided to the UNCOPUOS staff for provision to the STSC membership in time for inclusion in the February 2009 STSC meeting. Assuming STSC approval, the draft Framework would be then be provided to the SSCs and the CSS for final approval.

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COMMENT  
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¶10. (U) COMMENT: If the draft safety Framework on NPS Applications in Outer Space can be approved by the STSC in February and the CSS later that spring, a year can be cut from the original time estimate for development of the Framework. The Venezuelan and Italian comments that were not accepted could be problematical in reaching

consensus, however. The Italians should be able to be persuaded to drop their insistence on wording regarding protection of humans in space and planets; these had been excluded from consideration in the Framework from the beginning. However, the Venezuelans have been the most vocal in criticism of aspects of the safety Framework. Members of the Venezuelan STSC delegation seem to have an ideological bias against NPS applications in space under any circumstances. The U.S. STSC delegation will have to work to ensure that the Venezuelans are isolated in their opposition to parts of the draft Framework and not bring other delegations on board. The U.S. delegation could use the pressure of that isolation to obtain consensus. Otherwise, at least one year could be lost in the finalization of the Framework. END COMMENT.

SCHULTE